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IN THE

Supreme Court of the United States

OCTOBER TERM, 1985

HERBERT A. COCHRANE, *Pro Se.*,

Petitioner,

vs.

GEORGE FREDERICK SIMOR, M.D.
ISRAEL KESSELBRENNER, M.D.
MADELEINE AMIEL, M.D.

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

HERBERT A. COCHRANE
Pro Se. Petitioner
P.O. Box No. 71-G
Greystone Park, N. J. 07950-9071

Questions Presented for Review

1. Whether State Hospital medical doctors can officially file a diagonsis for paranoid schizophrenia without talking to the so-called patient; much less without even seeing the so-called patient.

2. Whether repetition of libels can be considered as a psychiatric diagnosis for a so-called patient; thereby filing officials records that lack any data pages of evaluations contributed by the so-called patient.

3. Whether State Hospital medical doctors can file a diagnosis for paranoid schizophrenia without the so-called patient presenting or answering data pages to exemplify examinations, performance tests, etc.; thereby documenting the State Hospital records in the so-called patient's own hand writing or signature.

4. Whether a State Hospital can accept a diagnosis of paranoid schizophrenia on a so-called patient, from someone who is no longer licensed to practice medicine.

5. Whether an amended statute for tolling the limitations of actions can be ignored by court and counsel.

6. Whether the courts below can deny an accrual date, yet state in their Order that the action is time-barred.

7. Whether impeaching documents prepared by the so-called patient, at that calendar date, can be ignored by the courts below; thereby, enabling State Hospitals and their medical doctors to file statements attributed to the so-called patient, which are easily impeached on their own official State records.

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MADELEINE AMIEL, M.D.

Respondents.

Opinions Below

In view of the preponderance of evidence supplied by this Petitioner, the District Court Order is nothing less than absurd. Absolutely none of the preponderance of evidence in this document type case is particularized or impeached. No judicial notice is given to the highly probative value of this Petitioner's documents.

The state of mind of the courts below indicate that the Respondents were judgment proof in a discriminatory procedure, with the denial of all semblance of judicial process for this Petitioner.

The Order of the District Court goes even further, and holds that Petitioner, "has not overcome the serious mental illness which originally led to his institutionalization". Quite obviously then, the courts below are holding that no accrual date has as yet been established. This statement alone, by the courts below, proves that this Petitioner must

surely have pleaded a document type case for tolling the statute of limitations; and accomplished it quite well, according to the courts below.

Therefore, the New York Civil Practice Law and Rules § 208, as amended, applies most aply to Petitioner's preponderance of evidence to raise the 10 year ceiling of limitations of actions.

The District Court judge closes page 1 of his Order by stating that the Respondents are also entitled to a Summary Judgment (Federal Rule Civil Procedure 56). The judges below would have this Court believe that there is no genuine issue of material fact in Petitioner's preponderance of evidence. If that were the facts of the matter, then he could have easily particularized or impeached something from the prepondance of evidence. Obviously, he could particularize or impeach nothing from the preponderance of evidence. This indicates, not only an abuse of discretion, but also an abuse of Summary process.

Jurisdictions

1. United States Supreme Court
   28 U.S.C. § 1254 (1).
2. Second Circuit Court of Appeals
   28 U.S.C. § 1291.
3. District Court for the Southern District of New York.
   18 U.S.C. § 921, et sequitur
   28 U.S.C. §§ 1331.
   1332 (a)(1).
   1343 (1) and (2).
   1446 (c).
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   2202.

42 U.S.C. §§ 1985 (2) and (3).
1986.
1988.

Federal Rules Civil Procedure 57 and 65.

United States Constitution. Article VI, second paragraph.

United States Constitution Amendments. IV, V, VI, VII, IX, XIII (Sec. 1), and XIV (Sec. 1).

New York State Constitution. Article 1, §§ 8 (criminal prosecution for libel), 11 (first sentence), and 12. Bill of Rights, amended and in Force January 1, 1970.

New York Civil Practice Law and Rules. § 208 (as amended).

Statement of the Case

The Order of the courts below held that Respondents Amiel and Kesselbrenne , former New York State Hospital medical doctors, do not have to interview the so-called patient for a psychiatric diagnosis; much less, they do not even have to see the so-called patient for a psychiatrict diagnosis. No written exams, performance tests, etc., answered and signed, as data page evaluations, are required for a psychiatric diagnosis. All that is required is a statement above their name; whereby, they do not have to prove or demonstrate anything. (Exhibit B, Plaintiff-Appellant's Appendix, 2nd C.C.A., Docket No. 84-7875).

Respondent Simor only briefly talked with this Petitioner, avoiding any written evaluations presented and signed by this Petitioner. His psychiatric diagnosis was nothing but repetition of libels from Bellevue Hospital official diagnosis, which data pages they have since attempted to destroy. Attempted justification for spoilation of data pages for such attempted medical know-how documentation

of a "Court Certification of the Mentally Ill", can be most easily understood by even a lay person. (Plaintiff-Appellant's Reply Brief, 2nd C.C.A., page Prb 5. Also Exhibits B and C, Plaintiff-Appellant's Appendix, 2nd C.C.A., Docket No. 84-7875).

During the same time, 1963, that Respondents were fabricating their official documents, this Petitioner also prepared court documents. These documents are listed on the 2nd C.C.A. Docket Sheet as Nos. 10 and 12. (Appendix of Plaintiff-Appellant, 2nd C.C.A., page Pa2). These documents are referred to by the District Court judge on the second page of his Dismissal Order. (This Appendix page 12a). These documents impeach every claim set forth by Respondents.

Another one of the intended Defendants has since had his license to practice medicine revoked. (Exhibits E and C. Typewriten fabrications above the hand written fabrications of Respondent Simor. (Plaintiff-Appellant's Appendix, 2nd C.C.A., Docket No. 84-7875).

Petitioner set forth numerous examples of where New York Civil Practice Law and Rules § 208, as amended, applies as a matter of law in the instant case. This amended Rule was ignored by court and counsel below. (This Appendix page 15a).

According to the Order below, no accrual date is recognized, and therefore the statute of limitations is tolled. There has been no change or correction of the hospital records, in this document type case, and again in accordance with New York C.P.L.R., the statute of limitations is tolled.

As consistently indicated below, Petitioner could in no way further prosecute this case before this time, much less enter into the State of New York.

The common plan or conspiracy issue is set forth by the non-accidental nature of the documentation fabricated by the Respondents. (This Appendix page 26a). This is the basis for the conspiracy or common plan activity among the combination arrayed.

At oral argument on April 1, 1985, another conspiracy citation was also submitted to court and counsel by this Petitioner; together with, a copy for the Clerk of the Court, 2nd C.C.A. This citation is on page four (4) of that blue back. (This Appendix page 28a).

Respondents willful and knowing fabrication of State medical records, are of a non-accidental nature and should comply with New York Penal Law of conspiracy § 105.00 et seqvitur.

McKinney's Consolidated Laws of New York, Book 39, Penal Law (1975), pages 298 to 308 presents this statute.

New York Consolidated Laws Service, Penal Law, Volume 23 (1984), pages 405 to 435.

The highly stressed requirement of overt acts is fulfilled by the document type case itself. (This Appendix pages 26 and 28a).

The intent and purposes of the conspiracy is in Exhibit H of Plaintiff-Appellant's Reply Brief, pages H-1 and H-2. This conspiracy is further documented on page Prb 9 of that Reply Brief.

McKinney's Consolidated Laws of New York, Book 11A, Criminal Procedure Law (1982) has § 220.20 (d) listed on page 274.

The hospital data sheets contain entries only by the Respondents, and not any by this Petitioner. In a large percentage of examples, the Respondents make statements attributed to this Petitioner. This is not only malicious, but criminal in nature, as this is the very nature of their

documents. (Exhibits C and E, Plaintiff-Appellant's Appendix, 2nd C.C.A., Docket No. 84-7875). This is willful and knowing misrepresentation of the facts of the matter on official records, and the Respondents should be criminally charged accordingly.

How Federal Questions are Presented

Both Federal and State involvment is required for the purposes of determining applicability of civil rights provisions. (This Appendix page 32a).

The Special and Secret courts below allowed for no "protection of legal rights"; and as a direct result, Petitioner had, and even presently has an "inability to function in society". The Appendix page referred to above has the reference page Pa50, lines 1-10. The term, function, was represented in the following categories—

These functions are particularized by the following:

1. The victim is non-bondable for corporate employment.
2. The victim loses his pistol license from Police Departments. These are what are referred to as State and City Actions.
3. The victim loses his U.S. Treasury Department Firearms licenses, etc. Id. est, 18 U.S.C. § 921, et sequitur. Chapter 44. This is referred to as a Federal Action.
4. The victim can not be gainfully employed.
5. The victim losses his property.
   Some victims loose commercial licenses.

There was no recourse in law or administration for the Petitioner in 1963, or the years following.

Instead of due process of law, an abuse of discretion and summary process, in a discriminatory proceeding, was presented by the courts below. (Petitioner's Brief, 2nd C.C.A., Docket No. 84-7875. Listing of citations on page 27a to 33a, Abuse of Discretion. Injunction, page 33a to 34a. Abuse of Discretion, pages 35a to 38a).

Reasons for Granting the Writ

Argument

There are absolutely no documents that have been presented by the Respondents that have not been impeached by this Petitioner. The courts below refused to extend judicial notice to them, or acknowledge their probative value. (This Appendix page 11a).

Petitioner holds that not only should State Hospital medical doctors see, converse, and prepare data sheets on so-called patients for psychiatric diagnosis, but they should also not have their medical license revoked. Petitioner holds that this is only a reasonable request for a professional standing of some merit or credibility. This point of law is categorically and emphatically denied by the courts below. (This Appendix pages 11a and 30a).

The courts below claim, with the New York State Attorney General, that this litigation is time-barred; yet, in their opinion and moving papers they categorically claim that this Petitioner is chronically or incurably diseased (mentally), which claim automatically denies all accrual date defenses by Respondents and courts. (This Appendix page 11a).

As a matter of law, Petitioner filed under New York C.P.L.R. § 208, as amended, which amended law, qualifies this Petitioner to having the statute of limitations tolled.

As this fact can not be denied, court and counsel below simply ignore this fact. (This Appendix pages 15a to 17a).

The involvement of Federal, State and City actions is well documented in the instant case. (This Appendix page 32a and page 6).

Conflicts

The 2nd C.C.A. has so far departed from the accepted and usual courses of judicial proceedings, and so far sanctioned such a departure by the District Court, as to call for an exercise of this Court's power of supervision.

The Appendix of Petitioner's Brief to the 2nd C.C.A. has a collection of xeroxed citations from the standard texts. These are xeroxed on page 27a and end on page 38a.

West's Federal Practice Digest 2d, Volume 40, Federal Courts. Key 781 to End.

West's Key 812, page 108 commences Abuse of discretion, which ends on page 110.

West's Key 813, page 110 commences Allowance of remedy and matters of procedure in general, which ends on page 114.

West's Key 814, page 114 commences Injunction. Page 115 also xeroxed.

The majority of West's citations apply to accepted procedures similar to the instant case, and conflict with the opinions below.

36 Corpus Juris Secundum §§ 297 (55)-297(56) Federal Courts, pages 1194, 1196, 1197, and 1198 are also xeroxed in the Appendix. These are Appendix pages 35a to 38a.

Again, we have text and citation which have similar conditions in the instant case, and conflict with the opinions below.

Importance

This is a document type case consisting of the repetition of libels by New York State Hospital medical doctors. The courts below are charged with abuse of discretion and summary process in the furtherance of this common plan.

These charges are well documented and should be considered as a representative sample to this Court, since they reflect the practice of State medicine, jurisprudence, and law, in the 2nd Circuit District. All of the Respondents violated the Hippocratic commandments which they had solemnly sworn to uphold and abide by, including the fundamental principle never to do harm—"primum non nocere".

Were it necessary, one could make a long list of the respects in which this involuntary experimental prisoner, upon whom these Respondents performed, departed from every known standard of medical ethics. But the gulf between these atrocities and serious research in the healing art is so patent that such a tabulation would be cynical.

The methods of investigation were inefficient and unscientific, and their techniques of research were unsystematic. Petitioner had been interned and forced to submit to these tortures and barbarities without so much as a semblance of a trial. The use of involuntary subjects in a medical experiment is a crime.

But it cannot be held that the Respondents could enter the gates of the Inferno (State Hospitals) and say in effect: "Bring forward the subjects. I see no evil; I hear on evil; I speak no evil". The Respondents asked no questions. They did not inquire of the inmates as to such details as consent, whether a trial had been held, what crime had been committed, and the like. They did not because they knew that the wretched inmates did not volunteer for their experiments and were not expected to volunteer. For these palpable crimes justice demands stern retribution.

Assignment of Errors

1st. The courts below had no authority, according to law, to accept diagnostic psychiatry from State Hospital medical doctors who never spoke to this Petitioner; much less, even saw this Petitioner.

2nd. The courts below had no authority, according to law, to accept diagnostic psychiatry from a State Hospital medical doctor who is no longer licensed to practice medicine, or psychiatry.

3rd. Absolutely no data pages were prepared in Respondents diagnostic psychiatry reports, since at no place does this Petitioner submit requested written tests, performed evaluations, etc., for their documentations.

4th. Respondents had no basis in fact, according to law, to file official documents against this Petitioner, claiming to be diagnostic psychiatry documents, which were and are unauthorized by law and therefore illegal and void.

5th. The opinions below are contrary to the preponderance of evidence prepared by this Petitioner to impeach all the Respondents documents, in this document type case.

6th. According to law, Petitioner tolled the statute of limitations by filing under New York Civil Practice Law and Rules § 208, as amended; which amended code was completely ignored by courts and counsel below.

7th. It was error by the Courts below to hold that the case was time-barred, and at the very same time hold that the Petitioner is still a very much diseased and incompetent paranoid schizophrenia; thereby, positively denying any accrual date.

CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that all of the principle facts of the matter having been set forth, a writ of certiorari shall issue.

Respectfully submitted,

HERBERT A. COCHRANE
Pro Se. Petitioner
P.O. Box No. 71-G
Greystone Park, N. J. 07950-9071

APPENDIX

Complaint

Pro Se Office (Stamp) Filed
Apr. 19, 1984 (Stamp) U.S. District Court
84 Civ. 3152 (Stamp) May 7, 11:02 AM '84
Judge Sofaer (Stamp) S.D. of N.Y.

(Stamp)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
FOLEY SQUARE, NEW YORK, N.Y.

DOCKET NO. ————

CIVIL ACTION

HERBERT A. COCHRANE, Pro Se.,

Plaintiff,

vs.

GEORGE FREDERICK SIMOR, M.D., *et al.*,

Defendants.

Complaint

The undersigned Plaintiff, Herbert A. Cochrane, charges that the Defendants herein participated in a common design or conspiracy to commit and did commit depraved, or unlawful medical practices, upon the Plaintiff, as defined in the United States Constitution, Article VI, second paragraph. Also included as violated are Amendment Articles IV, V, VI, VII, IX, XIII (Sec. 1), and XIV (Sec. 1).

The Constitution of the State of New York was violated in Article 1, paragraphs 8 (criminal prosecutions for libel), 11 (first sentence), and 12. Bill of Rights, as Amended and in Force January 1, 1970.

Federal jurisdiction in the instant case is also embodied in:

28 U.S.C. § 1332 (a) (1).

28 U.S.C. § 1443 (1) and (2).

28 U.S.C. § 1446 (c).

42 U.S.C. § 1985 (2) and (3).

42 U.S.C. § 1986.

Defendants unlawful activities included, but were not limited to, fabricated evidence and suborned witnesses, while engaged in their depraved, or unlawful governmental medical practices. All these depraved, libelous, and undocumented charges by the herein named Defendants were presented to Special and Secret Courts in Bellevue Psychiatric Hospital, New York. Said Courts affirmed these depraved, or unlawful governmental medical practices, for the involuntary infliction of disease (mental) upon the Plaintiff; together with, involuntary subjection to U.S. manufactured 3-Ring compounds upon the Plaintiff. Said Special and Secret Courts are therefore deemed as in-

competent; and Federal jurisdiction is further held in the instant case, where transparent pretexts in Defendants claims of Plaintiff being .. fit subject for their involuntary experimental activities upon the prisoner. These involuntary experimental activities upon the involuntary experimental prisoner are set forth in Counts one, two, and three, of this civil action complaint.

The persons accused as guilty of these unlawful activities and accordingly named as Defendants in this New York Southern District Jurisdiction case are—

George Frederick Simor, M.D.; 1963 Consulting psychiatrist at Myer Building, Manhattan State Hospital, 600 East 125th Street, Ward's Island, N.Y. N.Y. 10035. Now employed in U.S.P.H.S. at Harlem Valley Psychiatric Center, P.O. 330, Wingdale, N.Y. 12594.

Israel Kesselbrenner, M.D.; 1963 Consulting psychiatrist at Myer Building, Manhattan State Hospital, 600 East 125th Street, Ward's Island, N.Y., N.Y. 10035. Residence: 10 East End Avenue, Apt. 1-B, N.Y., N.Y. 10021. (794-1648)

Madeline Amiel, M.D.; 1963 Consulting psychiatrist at Myer Building, Manhattan State Hospital, 600 East 125th Street, Ward's Island, N.Y., N.Y. 10035. Residence: 10 Nathan D. Perlman Place, N.Y., N.Y.

All other Defendants have left the jurisdiction of this District, but will be prosecuted in their present Districts.

Count One—The Common Design or Conspiracy

1. Between April 24, 1963 and the present date, all the defendants herein acting pursuant to a common design,

unlawfully, willfully, and knowingly did conspire and agree together and with each other and with divers other persons, to commit unlawful activities against this Plaintiff; as well as, crimes against the United States Constitution, as defined in the opening paragraph above. This also includes crimes against the New York State Constitution.

2. Throughout the period covered by this Civil Action Complaint, all of the Defendants herein, acting in concert with each other and with others, unlawfully, willfully, and knowingly were principles in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving unlawful activities against this Plaintiff; as well as, crimes against the United States Constitution and the New York State Constitution.

3. All of the Defendants herein, acting in concert with others for whose acts the Defendants are responsible, unlawfully, willfully, and knowingly participated as leaders, organizers, investigators, and accomplices in the formulation and execution of the said common design, conspiracy, plans, and enterprises to commit, and which involved the commission of unlawful activities against the Plaintiff; as well as, crimes against the United States Constitution and the New York State Constitution.

4. It was a part of the said common design, conspiracy, plans, and enterprises to involuntary inflict disease (mental) upon State Hospital inmates, and other living subjects, without their consent; in the course of which experiments the Defendants committed brutalities, cruelties, tortures, atrocities, and other inhuman acts, more fully described in counts two, and three of this Civil Action Complaint.

5. The said common design, conspiracy, plans, and enterprises embraced the commission of unlawful activities against this Plaintiff; as well as crimes against the United States Constitution and the New York State Constitution, as set forth in counts two and three of this Civil Action Complaint; in that the Defendants unlawfully, willfully, and knowingly, encouraged, aided, abetted, and participated in the subjection of this Plaintiff, to brutalities, cruelties, tortures, atrocities, and other inhuman acts.

COUNT TWO—CRIMES AGAINST THE UNITED STATES CONSTITUTION

6. Between April 24, 1963 and the present date, all of the Defendants herein unlawfully, willfully, and knowingly committed Constitutional violations, as defined in the United States Constitution, set forth in the opening paragraphs above, and are incorporated herein by reference; in that they were principles in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the infliction of disease (mental) without the subjects consent, upon this Plaintiff, in the course of which experiments the Defendants committed brutalities, cruelties, tortures, atrocities, and other inhuman acts. Such involuntary infliction of disease (mental) included, but were not limited to the following:

(A) At their Bellevue Psychiatric Hospital prison ward, involuntary experiments were conductd on this Plaintiff for the benefit of members of the depraved, or unlawful governmental medical practices. Experiments consisted of, but were not limited to, involuntary dosages of U.S. manufactured 3-Ring compounds (phenothiazines); as well as dietary experiments. These experiments were carried out

in the guise of necessary medication after the involuntary infliction of disease (mental); which diagnosed disease was then to be treated scientifically, or remedied on the prisoner. As a result of these experiments, this Plaintiff suffered grave injury, torture, and ill treatment. The out-of-state Defendants White and Lytle, and the deceased Mortimer Greer and Randolph Wyman, and others are charged with special responsibility for, and participation in these unlawful activities. In the instant case, the above named Defendants acted in concert with these non-jurisiction Defendants. They did so willfully, knowingly, and unlawfully.

(B) At their Manhattan State Hospital on Ward's Island, involuntary experiments were conducted on this Plaintiff for the benefit of members of the depraved, or unlawful medical practices; mainly in their prison ward. Experiments consisted of, but were not limited to, involuntary dosages of U.S. manufactured 3-Ring compounds (phenothiazines); carried out in the guise of necessary medication, after the involuntary infliction of disease (mental), which diagnosed disease was then to be treated scientifically, or remedied on the prisoner, or involuntary subject. These included, but were not limited to, involuntary dietary experiments and peonage. As a result of these involuntary experiments, Plaintiff suffered grave injury, torture, and ill treatment. The Defendants Simor, Kesselbrenner, Amiel, and others, are charged with special responsibility for and participation in these unlawful activities.

7. Between April 24, 1963 and July 29, 1963, the Defendants Simor, Kesselbrenner, Amiel, and others, unlawfully, willfully, and knowingly committed Constitutional crimes as defined by the United States Constitution, set forth in

the opening paragraphs above, and incorporated herein by reference; in that they were principles in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the imposing of Draconic laws in the so-called "mental health" activities of the United States and New York State, in the course of which the Defendants herein interned this Plaintiff as a fit subject for involuntary experimentation. This was at their Bellevue Psychiatric Hospital prison ward, and their Manhattan State Hospital prison ward; while this Plaintiff was in custody in their prison wards, and was immediately followed by an Order from their Special and Secret Court for New York Supreme Court, at Bellevue Psychiatric Hospital. These unlawful activities involved, but were not limitd to, Special and Secret Court proceedings designed to prevent this Plaintiff from presenting any adequate defense against these members of depraved, or unlawful governmental medical practices. This Plaintiff was officially diagnosed as diseased (mentally), with severe (guarded) schizophrenia (paranoid tyoe). On the sworn statements of the Defendants, as the lawfull grounds for insuring the health and welfare of residents in the United States in general, and New York State in particular, this Plaintiff was so interned at their Bellevue Psychiatric Hospital prison ward and their Manhattan State Hospital prison ward, as a fit subject for involuntary experimentation. There, this Plaintiff was to be, and was an involuntary subject for their experimentation purposes with U.S. manufactured 3-Ring compounds (phenothiazines), etc. These included, but were not limited to, involuntary dietary experiments and peonage.

8. Between April 24, 1963 and the present date, the Defendants Simor, Kessselbrenner, Amiel, and others, will-

fully, and knowingly committed crimes against the United States Constitution, in that they were principles in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the imposing of Draconic laws in their "Mental Health" practices of the United States, and New York. These depraved, or unlawful governmental medical practices involved depraved report writings about this Plaintiff, involuntary infliction of disease (mental), fanciful and false pretenses at scientific or professional medical standings, involuntary experimentation with U.S. manfactured 3-Ring compounds (phenothiazines), etc.; in the course of which the Defendants herein interned this Plaintiff as a fit subject for involuntary medical experimentations, peonage, etc. These depraved, or unlawful governmental medical practices involved willfull, malicious, secret, and libelous proceedings, presided over by Special and Secret Courts. Absolutely nothing that could even be called a token defense or plea was permitted to this Plaintiff. The Defendants named herein are charged with using their office and exercising their power with the knowledge and intent that their official acts would result in, but were not limited to, involuntary infliction of disease (mental), involuntary experimentation with U.S. manufactured 3-Ring compounds, further depraved and libelous report writings, involuntary servitude, and dietary experimentation.

9. The said crimes constitute violation of the United States Constitution; as well as, the principles of the Law of Nations. These crimes also constitute violations of International Common Law, and the general principles of criminal law as derived from the criminal law of all civilized nations.

COUNT THREE—CRIMES AGAINST THE NEW YORK STATE CONSTITUTION

10. Between April 24, 1963 and the present date, all of the Defendants herein unlawfully, willfully, and knowingly, committed crimes against the New York State Constitution, as defined in the opening paragraphs above, in that they were principles in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving medical experiments, without the subjects consent, upon this Plaintiff; in the course of which experiments the Defendants committed brutalities, cruelties, tortures, atrocities, and other inhuman acts. The particulars concerning such experiments are set forth in paragraph 6, of count two of this Civil Action Complaint and are incorporated herein by reference.

11. Between April 24, 1963 and July 29, 1963, the Defendants Simor, Kesselbrenner, Amiel, and others, unlawfully, and knowingly, committed crimes against the New York State Constitution, in that they were principles in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving involuntary experimentation on the involuntary experimental prisoner, this Plaintiff. The particulars concerning such unlawful activities and inhuman treatment are set forth in paragraph 7 of count two of this Civil Action Complaint, and are incorporated herein by reference.

12. Between April 24, 1963 and the present date, the Defendants Simor, Kesselbrenner, Amiel, and others, unlawfully, and knowingly, committed crimes against the New York State Constitution; in that they were principles in, accessories to, ordered, abetted, took a consenting part

in, and were connected with plans and enterprises imposing Draconic laws in the so-called "Mental Health" medical practices of the United States and New York State. The particulars concerning such unlawful activities are set forth in paragraph 8 of count two of this Civil Action Complaint, and are incorporated herein by reference.

13. The said crimes constitute violations of International Common Law, the general principles of criminal law as derived from the criminal laws of all civilized nations; the internal penal laws of the State in which such crimes are committed, which includes the United States Constitution, and the New York State Constitution.

For these atrocities, this Plaintiff is claiming personal and vicarious liability of $500,00 from each Defendant named herein. Collective or State liability does not apply in the instant case.*

In accordance with New York State Civil Practice Law and Rules, all statutes of limitations are tolled. See § 208 (as amended L.1973, c. 687, § 3, L.1974, c. 924, § 2; L. 1975, c. 109 § 7).

Wherefore, this Civil Action Complaint is filed with the Clerk of the United States District Court, Southern District of New York, Foley Square, New York, N.Y.

April 17, 1984

HERBERT A. COCHRANE
Herbert A. Cochrane, Pro Se. Plaintiff
P.O. Box No. 71-G
Greystone Park
N.J. 07950-9071.

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* Should read $500,000 instead of $500,00.

Dismissal Order From District Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

84 Civ. 3152 (ADS)

HERBERT A. COCHRANE, Pro Se.,

Plaintiff,

—against—

GEORGE FREDERICK SIMOR, M.D., *et al.*,

Defendants.

ABRAHAM D. SOFAER, D.J.:

Plaintiff's claim against the only defendant served, Dr. Amiel, is time barred, as the events involved occurred in the 1960s. Plaintiff has not pleaded a case for tolling the statute; he alleges that he understood what was happening to him at the time, and his escape from custody enabled him to complain about what he claims was being done to him. Furthermore, plaintiff's claims against Dr. Amiel lack any particularity and must be dismissed as insufficient. He does not allege a single fact about or act by Dr. Amiel but merely claims the doctor was part of a conspiracy to use experimental drugs. Finally, the complaint is legally insufficient in its entirety; it, as well as plaintiff's other papers demonstrate, only that plaintiff

has not overcome the serious mental illness which originally led to his institutionalization. As plaintiff contends this is a "document-type" case, it is appropriate to note that defendants would also be entitled to summary judgment.

Complaint dismissed on the basis of the responding affidavits and memo, after having considered plaintiff's reply and other papers, all of which will be made part of the record in this case. F.R.C.P. 12(b) (1) and (6).

SO ORDERED.

DATED: New York, New York
September 7, 1984

s/ ABRAHAM D. SOFAER

Dismissal Order From Second Circuit Court of Appeals

United States Court of Appeals
Filed
(Stamp) April 03 1985
Elaine B. Goldsmith, Clerk
Second Circuit

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the 3rd day of April, one thousand nine hundred and eighty-five.

Present:

HONORABLE WILFRED FEINBERG,
Chief Judge

HONORABLE ELLSWORTH A. VAN GRAAFEILAND,
HONORABLE JON O. NEWMAN,
Circuit Judges.

HERBERT A. COCHRANE,

Plaintiff-Appellant,

—against—

GEORGE FREDERICK SIMOR, M.D., *et al.*,

Defendants-Appellees.

Dismissal Order From Second Circuit Court of Appeals

84-7875

Appeal from the United States District Court for the Southern District of New York.

This cause came on to be heard on the transcript of record from the United States District Court for the Southern District of New York, and was argued by appellant pro se and submitted by appellees.

ON CONSIDERATION WHEREOF, it is now hereby ordered, adjudged and decreed that the judgment of the district court is AFFIRMED.

We have considered all of appellant's arguments and papers and we affirm the judgment of the district court substantially for the reasons stated in the order of Judge Sofaer dated September 7, 1984.

s/ WILFRED FEINBERG, Chief Judge
s/ ELLSWORTH A. VAN GRAAFEILAND
s/ JON O. NEWMAN
Circuit Judges

N.B. Since this statement does not constitute a formal opinion of this court and is not uniformly available to all parties, it shall not be reported, cited or otherwise used in unrelated cases before this or any other court.

Abstracts From CPLR Section 208 (As Amended)*

The scope of review of the propriety of the judge below in his decision to dismiss the Complaint encompasses whether it was correct as a matter of law, and involving the abuse of discretion. The state of mind of the judge below is well presented. The amended Rule mentioned above is found in—

McKinney's
Consolidated Laws
of New York Annotated

Book 7B

Civil Practice Law and Rules

CPLR
1 to 300

Cumulative Annual Pocket Part

For Use In 1983-1984

Page 93 reads in part:

> The time within which the action must be commenced shall not be extended by this provision beyond ten years after the cause of action accrues, *except, in any action other than for medical malpractice where the person was under a disability due to infancy.* (emphasis supplied) (Pa62)

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* Pages 7 and 8 of Petitioner's Brief, 2nd C.C.A. Docket No. 84-7875.

Abstracts From CPLR Section 208 (As Amended)

Same page below:

Supplementary Practice Commentaries

By Joseph M. McLaughlin

1982

C208:4. Disability for Insanity.

Reads in part—

> Reviewing the legislative history, the Court of Appeals concluded "that the Legislature meant to extend the toll for insanity to only those individuals who are unable to protect their legal rights because of an over-all inability to function in society. The statute, in our view, cannot be interpreted as providing a toll of the Statute of Limitations to an individual claiming a mere post traumatic neurosis".

Bottom of page 94 reads in part:

> It should be noted that the new limitation applies only to actions for MEDICAL malpractice. Thus, in an action against an attorney for malpractice by an infant plaintiff, it is still the rule that the plaintiff may sue until he is 21 years of age. And even in an action against a doctor on a theory other than malpractice, e.g., an action for breach of contract, *the ten year ceiling would not apply.* (emphasis supplied)

Abstracts From CPLR Section 208 (As Amended)

McKinney's

CONSOLIDATED LAWS
OF NEW YORK ANNOTATED

Book 7B

Civil Practice Law and Rules

CPLR
1 to 300

Cumulative Annual Pocket Part

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206th Session of the Legislature (1983)
Through Chapter 997

For close of Notes of Decisions,
see Page III

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CPLR—Civil Practice Law and Rules

St. Paul, Minn.
West Publishing Co.

§ 208. Infancy, insanity

If a person entitled to commence an action is under a disability because of infancy or insanity at the time the

cause of action accrues, and the time otherwise limited for commencing the action is three years or more and expires no later than three years after the disability ceases, or the person under the disability dies, the time within which the action must be commenced shall be extended to three years after the disability ceases or the person under the disability dies, whichever event first occurs; if the time otherwise limited is less than three years, the time shall be extended by the period of disability. The time within which the action must be commenced shall not be extended by this provision beyond ten years after the cause of action accrues, except, in any action other than for medical malpractice, where the person was under a disability due to infancy. This section shall not apply to an action to recover a penalty or forfeiture, or against a sheriff or other officer for an escape. As amended L.1973, c. 687, § 3; L.1974, c. 924, § 2; L.1975, c. 109, § 7.

1975 AMENDMENT. L.1975, c. 109, § 7, inserted "in any action other than for medical malpractice."

1974 AMENDMENT. L.1974, c. 924, § 2, eff. Sept. 1, 1974, eliminated "or imprisonment" which followed "insanity" in section catchline, and substituted "entitled to commence an action is under a disability because of infancy or insanity at the time the cause of action accrues, and" for "entitled to commence an action, at the time the cause of action accrues, under the age of twenty-one years or insane, and", and "under a disability due to infancy" for "under the age of twenty-one years."

1973 AMENDMENT. L.1973, c. 687, § 3, eff. on the 90th day after June 11, 1973, omitted "imprisoned on a criminal charge or conviction for a term less than for life" following "insane."

Abstracts From CPLR Section 208 (As Amended)

EFFECTIVE DATE OF 1975 AMENDMENT. L.1975, c. 109, § 37, provided the amendment to this section shall be effective July 1, 1975, and "applicable to any act, omission or failure occurring on or after that date."

Supplementary Practice Commentaries

By Joseph M. McLaughlin

1982

C208:4. DISABILITY FOR INSANITY.

The McCarthy case, discussed in last year's Supplementary Practice Commentary, was affirmed in McCarthy v. Volkswagen of America, Inc., 1980, 55 N.Y.2d 543, 450 N.Y.S.2d 457, 435 N.E.2d 1072. In the Court of Appeals, the issue of the plaintiff's insanity was refined to the point that the plaintiff's post traumatic neurosis manifested itself solely in an inability to confront the memory of his accident. In all other respects, the plaintiff was able to manage his affairs. Reviewing the legislative history, the Court of Appeals concluded "that the Legislature meant to extend the toll for insanity to only those individuals who are unable to protect their legal rights because of an over-all inability to function in society. The statute, in our view, cannot be interpreted as providing a toll of the Statute of Limitations to an individual claiming a mere post traumatic neurosis."

This narrow construction of the term, "insanity" should be compared with the apparently more expansive view taken in Hurd v. County of Allegany, 1972, 39 A.D.2d 499, 502, 336 N.Y.S.2d 952, 956 (discussed in the 1973 Supplementary Practice Commentary to this section). In footnote three of the McCarthy opinion, the Court of Appeals

wrote: "to the extent that the holdings in . . . and Matter of Hurd v. County of Allegany . . . may be interpreted as standing for the proposition that the existence of a post traumatic neurosis may be equated with the term 'insanity' as used in CPLR 208, those cases are not to be followed." 55 N.Y.2d at 549, 450 N.Y.S.2d at 460, 435 N.E. 2d 1075.

1981

C208:4. Disability for Insanity.

Supplementing the discussion in the 1973 Supplementary Practice Commentary, it should be noted that if a hearing is held to determine whether the plaintiff was laboring under a mental incapacity to protect his own rights, the Appellate Division may review Special Term's record to insure that a finding of insanity is supported by the evidence. For example, in McCarthy v. Volkswagen of America, Inc., 1980, 78 A.D.2d 849, 432 N.Y.S.2d 722, the plaintiff brought a personal injury action four years and two months after the accident claiming "that his accident had caused psychological scarring that had resulted in a mental disorder which had prevented him from comprehending his legal rights." Special Term agreed.

Reversing, the Appellate Division noted that during the period of his supposed insanity, the plaintiff had attended college where he acquired fifteen credits with A or B averages in all his courses. He had also returned to his job as a stock clerk at a supermarket. Finding that the "plaintiff was able to manage his business affairs and estate, and to comprehend his own legal rights and liabilities," the Appellate Division held that there was no toll for insanity and, therefore, the plaintiff's action was time-barred.

Abstracts From CPLR Section 208 (As Amended)

1976

C208:5. Disability for Infancy

Continuing the discussion started in the 1974 Supplementary Practice Commentary to this section, a body of case law now holds that the 1974 amendment to CPLR 208 is partially retroactive. This means that on September 1, 1974, potential plaintiffs between the ages of 18 and 21 became adults, and the statute of limitations which prior thereto had been tolled because of infancy, began to run. See Atwell v. Playland Rye Commission, 1975, 86 Misc.2d 13, 380 N.Y.S.2d 845.

This is not to say, however, that an infant who became 18 years of age prior to September 1, 1974 will always be affected by the statute. In Clark v. Bilt-Rite Land Corp., 1975, 82 Misc.2d 1026, 372 N.Y.S.2d 466, for example, plaintiff was injured in 1968 when he was 14 years of age. On September 1, 1974, when the statute was amended, the plaintiff was already 21 years of age. He sued in June, 1975.

The defendant moved to dismiss the action as barred by the statute of limitations, arguing that the statute was fully retroactive and that the infant's disability ceased when he became 18 on August 26, 1971. The court properly rejected this contention since it is manifestly absured. The plaintiff had become 18 on August 26, 1971, and if the defendant's contention were sound, it would mean that the statute of limitations would have expired on August 26, 1974—a week or more before CPLR 208 was amended. Such a construction would probably be unconstitutional. Properly construing the statute, the plaintiff should be able to sue until August 26, 1977 (three years from the end of his disability). Accord, Robusto v. Johnson, 1976, 87 Misc.2d 76, 385 N.Y.S.2d 246.

Abstracts From CPLR Section 208 (As Amended)

1975

C208:1. Computation of Toll for Disability

Chapter 109 of the 1975 Session Laws is the notorious medical malpractice act. The product of much lobbying and compromise, the final form of the act is a melange of substantive and procedural provisions that are not entirely coherent. One of the provisione of the bill amends CPLR 208.

Particularly offensive to the medical profession is the provision in CPLR 208 tolling the statute of limitations when the plaintiff is an infant. Until 1975 it was theoretically possible for an infant plaintiff who was injured through malpractice at age 3 to sue until three years after he attained his majority. The awkward language amending CPLR 208 is designed to provide a maximum extension of ten years in malpractice cases. Thus, if the malpractice claim accrues to an infant aged 3, the statute of limitations will henceforth expire when the infant is 13 years old. The new rule applies only to causes of action accruing after July 1, 1975.

It should be noted that the new limitation applies only to actions for *medical* malpractice. Thus, in an action against an attorney for malpractice by an infant plaintiff, it it still the rule that the plaintiff may sue until he is 21 years of age. And even in an action against a doctor on a theory other than malpractice, e.g., an action for breach of contract, the ten-year ceiling would not apply.

1974

C208:5. Disability for Infancy

Until this year, section 208 created a disability if the plaintiff was "under the age of twenty-one years" when

the cause of action accrued. As amended, the section now states that if the plaintiff "is under a disability because of infancy," the statute of limitations is extended.

This change in language must be read in connection with the 1974 amendment to CPLR 105(j). As therein provided, an infant is a person under eighteen years of age. Accordingly, the extension of the statute of limitations formerly provided to an infant is still available, but an infant is now defined as a person under age eighteen, rather than twenty-one.

The amendments became effective on September 1, 1974, and raise the question whether a plaintiff is, say, nineteen in July, 1974, will be affected by the amendment. If he is, then obviously the toll for infancy will end on September 1, 1974; if he remains entitled to rely upon the original version of CPLR 208, the plaintiff may invoke the disability until he is twenty-one years of age.

Although an argument could be constructed from CPLR 218(b) that plaintiff is entitled to the longer statute of limitations provided by the former CPLR 208, the writer believes this to be unsound. The legislative history of CPLR 218 and, indeed, its very caption suggest that CPLR 218 was to apply only to causes of action which accrued under the Civil Practice Act. Accordingly, an amendment to the CPLR should not trigger the transitional provision of the CPA-CPLR, and even if the effect of the amendment is to abbreviate the time in which the plaintiff must bring the action, the amendment should be effective on its prescribed date. See Hoff Research & Development Co. v. Philippine Bank, C.A.N.Y. 1970, 426 F.2d 1023.

In sum, it is the writer's opinion that if a fifteen-year old infant has an assault claim which accrued on June 1,

1972, he must now bring that action within one year after his eighteenth birthday, and not within one year after his twenty-first birthday, as was formerly the law.

1973

C208:3. Disability for Imprisonment

As noted in the original Practice Commentary, provisions of the Civil Rights Law made it impossible for a person sentenced to prison for life or even for a term less than life to bring an action or proceeding. This raises a serious question whether the statutes deprive felons of equal protection of the laws, and the question was sufficiently substantial to require the convening of a three-judge federal court to pass on the issue. Cf., Johnson v. Rockefeller, D.C.N.Y., 1972, 58 F.R.D. 42.

The question would appear to be moot, however, because of chapter 687 of the Laws of 1973. This chapter amends Civil Rights Law, sections 79 and 79-a, to permit prisoners "to commence and prosecute an action or proceeding in any court within this state. . . ." Since these plaintiffs are no longer under a disability, CPLR 208 has been amended to eliminate imprisonment as a recognized disability.

While the writer is sympathetic with the view that prisoners should be given the right to sue, it does not necessarily follow that the disability of imprisonment should also be eliminated. As noted in the original Practice Commentary to this section, there are many practical difficulties in mounting a lawsuit from a jail cell. Accordingly, the Civil Rights Law could have been amended without a corresponding amendment to CPLR 208.

In any event, it should be noted that no amendment has been made to the caption of CPLR 208 which still refers to imprisonment. This seems to be a drafting oversight of no practical significance.

C208:4. Disability for Insanity.

This section creates a disability when the cause of action accrues to a person who is "insane." What does that word mean? In a case of first impression, the Appellate Division held that the word "insane" should be "interpreted to include a temporary mental incapacity to protect one's rights resulting from a physical injury. . . ." Hurd v. County of Allegany, 1972, 39 A.D.2d 499, 502, 336 N.Y.S.2d 952, 956. Thus, a temporary unsoundness of mind will give the afflicted plaintiff the benefit of the extension afforded under CPLR 208. If, as in *Hurd,* it is unclear precisely when the insanity ceased, a hearing may be ordered to make that determination.

It should also be emphasized that the extension provided by CPLR 208 is given only to a plaintiff who is insane when the cause of action arises or who, as in the *Hurd* case, is rendered insane by the act which gives rise to the cause of action. In other words, no extension is afforded to a plaintiff who becomes insane from independent causes after the claim arises.

Abstracts from *U.S.* v. *Holt*, 108 F. 2d 365 (C.C.A. 7th Circuit November 27, 1939)

THE ELEMENT OF COMMON PLAN OR CONSPIRACY IS WELL MANIFESTED IN THIS DOCUMENT TYPE CASE*

The Plaintiff offers as a medical case citation from a common plan that can lead to criminal charges against Defendants– *United States* v. *Holt,* 108 F. 2d 365 (C.C.A. 7th Circuit Nov. 27, 1939). At the bottom of page 368, second column, we read:

> True it is, that if the evidence is as consistent with the innocence of the appellant as with his guilt, no conviction can be had. It is equally true that overt acts of the parties may be considered with other evidence and attending circumstances in determining whether a conspiracy exists, and where the overt acts are of the character which are usually, if not necessarily, done pursuant to a previous scheme and plan, proof of the acts has a tendency to show such pre-existing conspiracy, so that when proven they may be considered as evidence of the conspiracy charged. *Galatas* v. *United States,* 8 Cir. 80 F.2d 15, 23.

15A C.J.S. CONSPIRACY § 9. Page 615.

> Gravamen of the action is the fraud.
>
> There is no such cause of action as a conspiracy to commit a fraud, and the gravamen of the action is the fraud, not the conspiracy.

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* Petitioner's Appendix to 2nd C.C.A. page Pa64. Docket No. 84-7875.

Abstracts from U.S. v. Holt, 108 F.2d 365 (C.C.A. 7th Circuit November 27, 1939)

N.Y. — *Kane* v. *Harris,* 81 N.Y.S. 2d 325.

Gist of action.

The gist of an action of conspiracy to defraud is not conspiracy but fraud done in furtherance of conspiracy.

Abstract From *International Military Tribunal*, Nuernberg. From Page 4 of Petitioner's Oral Argument, April 1, 1985 Before 2d C.C.A. Docket No. 84-7875

(The Nuernberg Case, as Presented by Robert H. Jackson, Chief of Counsel for the United States. Pages 108-109. 1947)*

Among the principles every day enforced in courts of Great Britain and the United States in dealing with conspiracy are these:

1. No meeting or formal agreement is necessary. It is sufficient, although one performs one part and other persons other parts, if there be concert of action and working together understandingly with a common design to accomplish a common purpose.

2. One may be liable even though he may not have known who his fellow conspirators were, or just what part they were to take, or what acts they committed, and though he did not take personal part in them or was absent when criminal acts occurred.

3. There may be liability for acts of fellow conspirators although the particular acts were not intended or anticipated, if they were done in execution of the common plan.

4. It is not necessary to liability that one be a member of a conspiracy at the same time as other actors, or at the time of criminal acts. When one becomes a party to it, he adopts and ratifies what has gone before and remains responsible until he abandons the conspiracy with notice to his fellow conspirators.

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* Page 4 of Petitioner's Oral Argument, April 1, 1985, 2nd C.C.A. Docket No. 84-7875.

Abstract From International Military Tribunal, Nuernberg. From Page 4 of Petitioner's Oral Argument, April 1, 1985 Before 2d C.C.A. Docket No. 84-7875

Of course members of criminal organizations or conspiracies who personally commit crimes are individually punishable for those crimes exactly as are those who commit the same offenses without organizational backing. But the very gist of the crime of conspiracy or membership in a criminal association is liability for acts one did not personally commit but which his acts facilitated or abetted. The crime is to combine with others and to participate in the unlawful common effort, however innocent the personal acts of the participant when considered by themselves.

The very innocent act of mailing a letter is enough to implicate one in a conspiracy if the purpose of the letter is to advance a criminal plan. There are countless examples of this doctrine in Anglo-American jurisprudence.

Abstract From *Federal Trade Commission v. Texaco, Inc.* 555 F. 2d 862 (1977) at 863. From Page 12 of Petitioner's Brief, 2d C.C.A. Docket No. 84-7875

THE COMPLAINT IS LEGALLY SUFFICIENT IN ITS ENTIRETY FOR A MEDICAL CASE OR A DOCTORS TRIAL*

The Defendants Amiel and Kessellbrenner never spoke to, or much less, even saw this Plaintiff-Appellant while he was interned at Ward's Island. (Pa47, 16-17). Defendant Simor wrote bare faced libels in his own hand writing, and above his signature. (Pa55). Defendants Amiel and Kessellbrenner just copied the libels supplied by Defendant Simor and others. Obviously, this is a clear case of repetition of libels. (Pa54). These documents are transferred to other agencies upon request, through the assistance of the U.S. Post Office; under the authority of the State Attorney General, and the Special and Secret Courts.

Federal Trade Commission v. *Texaco, Inc.*, 555 F.2d 862 (1977) at 863 states:

> 10. Federal Courts. KEY 844.
>
> When a district court's determinations of relevance are, in essence, factual judgments, they are normally entitled to special deference from appellate courts, at least where there are issues of credibility of witnesses.
>
> 11. Federal Courts. KEY 754.
>
> Where relevance determinations of trial court were dependent on, and integrally related to, a legal premise, the appellate court has the authority, and the duty, to determine the proper legal premise and

* Page 12 of Petitioner's Brief, 2nd C.C.A. Docket No. 84-7875.

Abstract From Federal Trade Commission v. Texaco, Inc., 555 F.2d 862 (1977) at 863. From Page 12 of Petitioner's Brief, 2d C.C.A. Docket No. 84-7875

to correct the legal error of the trial judge without limitation by doctrines of "clearly erroneous" and "abuse of discretion" that are applicable to review of factual determinations.

Federal, State, and City Action is Involved Against the Petitioner. From Page 14 of Petitioner's Brief 2d C.C.A. Docket No. 84-7875

FEDERAL, STATE, AND CITY ACTION IS INVOLVED AGAINST THE PLAINTIFF-APPELLANT. F.R.CIV. P. 12 (b) (1, 6), 42 U.S.C. §§ 1985, 1986. U.S.C.A. CONST. AMEND. 14. 28 U.S.C.A., ETC.*

Another citation offered by the State Attorney General applies best to the Plaintiff-Appellant. (Pa37). *Barrett* v. *United Hospital,* 376 F. Supp. 791. This pertains to the requirement of Federal and State involvement in the action.

Another citation offered by the State Attorney General also applies best to the Plaintiff-Appellant. (Pa36). *Griffin* v. *Breckenridge,* 403 U.S. 88 (1970). This is most applicable to the favorable aspect of the Plaintiff-Appellant, that Plaintiff-Appellant has included a complete copy of it in this Brief's Appendix. (6a-25a). This is submitted to the Court by the Plaintiff-Appellant, since 42 U.S.C. § 1985 (3) is discussed in great detail to the advantage of the Plaintiff-Appellant.

The expression, "If two or more persons in any State or Territory conspire to go . . . on the premises of another, for the purpose, etc., etc." This is best applied to the Motion and Order papers submitted to the judge below, dated Pro Se Office May 25, 1984. The Motion is titled, To Prevent Misjoinder or Nonjoinder, dated May 22, 1984. The proposed form of Order is titled, To Supply the Full Name of Lawrence Lytle, M.D. (Pa56). These proposed forms of Order should be in the portfolio of the case.

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* Page 14 of Petitioner's Brief, 2nd C.C.A. Docket No. 84-7875.

Federal, State, and City Action is Involved Against the Petitioner. From Page 14 of Petitioner's Brief 2d C.C.A. Docket No. 84-7875

Particularization of Federal, State, and City involvement in the instant case has been quite adequately set forth in the Plaintiff-Appellant's moving papers. (Pa50, 1-10).